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CMG WORLDWIDE INC.
8

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11
12 CMG WORLDWIDE INC., an Indiana
corporation,

13 Plaintiff,

14 vs.
15

16 MAXIMUM FAMILY GAMES, LLC d/b/a
MAXIMUM GAMES, a California limited
liability company; SLITHERINE LIMITED;
17 and DOES 2-10,

18 Defendants.
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Case No. 3:14-cv-05124-JST

FIRST AMENDED COMPLAINT FOR:

- (1) False Endorsement and Unfair Competition under 15 U.S.C. § 1125(a)
- (2) Violation of Right of Publicity under Cal. Civ. Code § 3344.1
- (3) Unfair Competition under Cal. Bus. & Prof. Code § 17200 *et seq.*

DEMAND FOR JURY TRIAL

1 Plaintiff CMG Worldwide Inc. (“CMG”) brings this action against Defendants Maximum
2 Family Games, LLC d/b/a Maximum Games (“Maximum”), Slitherine Limited (“Slitherine”), and
3 Does 2-10 (collectively, “Defendants”) for violations of the Lanham Act, right of publicity, and for
4 unfair competition, and alleges as follows:

5 **JURISDICTION AND VENUE**

6 1. This Court has subject matter jurisdiction over the federal claims pursuant to 28
7 U.S.C. §§ 1331, 1338(a) and 15 U.S.C. § 1121, and has subject matter jurisdiction over the state law
8 claims under 28 U.S.C. §§ 1338(b) and 1332 because these claims are joined with substantial and
9 related claims under the federal Lanham Act.

10 2. This Court has personal jurisdiction over Maximum because, on information and
11 belief, Maximum is registered as a California limited liability company; has its principal place of
12 business in Walnut Creek, California; has a registered agent for service of process in Oakland,
13 California; has substantial, continuous, and systematic contacts with California; and purposefully
14 avails itself of the benefits and protections of California’s laws. CMG’s claims against Maximum
15 arise out of and are related to Maximum’s contacts with California.

16 3. This Court has personal jurisdiction over Slitherine because, on information and
17 belief, Slitherine has purposefully availed itself of the benefits and protections of the laws of
18 California and the United States, and purposefully directed its activities toward residents of
19 California and the United States. CMG’s claims against Slitherine arise out of and are related to
20 Slitherine’s contacts with California and the United States.

21 4. Venue in this judicial district is proper under 28 U.S.C. § 1391 because a substantial
22 part of the events giving rise to CMG’s claims occurred in this district and Defendants are subject to
23 personal jurisdiction in this district.

24 **INTRADISTRICT ASSIGNMENT**

25 5. This action is not subject to divisional assignment because it arises under intellectual
26 property laws.

NATURE OF THE ACTION

6. This action arises from Defendants' willful infringement of CMG's rights to General George S. Patton, Jr. ("General Patton") through their marketing and selling a certain video game using the name, likeness, image, and persona of General Patton without CMG's consent. Defendants' conduct constitutes false endorsement and unfair competition under 15 U.S.C. § 1125(a), violation of the right of publicity under Cal. Civ. Code § 3344.1, and unfair competition under Cal. Bus. & Prof. Code 17200 *et seq.*

7. Defendants' misuse of General Patton's name, likeness, image, and persona in connection with the marketing and sales of a certain video game is willful, oppressive and malicious, and is intended to cause confusion about the endorsement or sponsorship of the product. To halt Defendants' infringing acts and compensate CMG for the ongoing harm that Defendants are intentionally causing, CMG is entitled to injunctive relief and profits, actual and/or statutory damages, treble damages, punitive damages and attorneys' fees in this exceptional case.

THE PARTIES

8. Plaintiff CMG is incorporated in Indiana and has its principal place of business in Indianapolis, Indiana, with an office in West Hollywood, California.

9. On information and belief, Defendant Maximum Family Games, LLC d/b/a Maximum Games is a California limited liability company and has its principal place of business in Walnut Creek, California.

10. On information and belief, Defendant Slitherine Limited is a foreign corporation with its principal place of business in the United Kingdom. On information and belief, Slitherine Limited is registered as a foreign profit corporation in the United States, has at least one office in the United States, and has a registered agent for service of process in the United States. When CMG filed its Complaint in this matter, CMG did not know the true name and capacity of Slitherine, and therefore sued Slitherine by the fictitious name, Doe 1. After filing the Complaint, CMG obtained information regarding Slitherine's specific involvement and representations regarding the use of General Patton's name, image and likeness in connection with that certain video game defined herein as the "Infringing Video Game." Thus, CMG amends its Complaint accordingly.

11. CMG does not know the true names and capacities of defendants Does 2-10, inclusive, and therefore sues these defendants by such fictitious names. CMG is informed and believes and therefore alleges that each of these fictitiously named defendants is responsible for the occurrences alleged in this Complaint, and that CMG's damages alleged herein were proximately caused by such defendants' actions. When CMG ascertains the true names and capacities of Does 2-10, it will seek to amend this Complaint accordingly.

FACTUAL ALLEGATIONS

A. CMG's Exclusive Rights in General Patton's Name, Image and Likeness

12. CMG is the exclusive, worldwide agent and representative for the family of General Patton (the "Patton Family"), and sole proprietors of certain trademark rights, the rights of association and sponsorship, and the right of publicity in and to the name, image, voice, signature, and likeness of the late General Patton. CMG licenses General Patton's name, likeness, images, signatures, personae, and other related indicia to third parties. Under its various agreements with the Patton Family, CMG is charged with the exclusive responsibility and authority with respect to enforcing General Patton's intellectual property rights.

13. General Patton is one of the most famous military commanders in U.S. history. He was one of the highest-ranking generals in command of U.S. forces in World War II. In addition to his military achievements, he was known for his colorful personality, aggressive military strategy, and ability to motivate troops. "Patton," a biographical film about General Patton, was released in 1970; the film was incredibly popular and won several Academy Awards (including Best Picture). General Patton remains the subject of attention, publicity, and comment to this day. For example, "Killing Patton: The Strange Death of World War II's Most Audacious General," co-authored by talk-show host Bill O'Reilly, was published September 23, 2014 and, as of this filing, has been ranked in the top three on the New York Times Best Sellers List for the Combined Print & E-Book Nonfiction category for ten consecutive weeks.

14. Based on the media's longstanding and extensive coverage of General Patton, his status as a decorated army general and war hero, and his distinctive personality, General Patton's

1 name, image and likeness have earned worldwide fame and recognition and are well-known by
2 members of the public as identifying him.

3 15. CMG's exclusive rights with respect to General Patton's intellectual property rights
4 are extremely valuable due to General Patton's fame and distinctiveness. CMG's exclusive rights
5 are especially valuable in California, where General Patton is from, where he was domiciled at the
6 time of his death, and where CMG maintains an office and transacts substantial business.

7 **B. Defendants' Unauthorized Use Of General Patton's Name, Image And Likeness**

8 16. Maximum is a full service publisher and distributor of video games that serves all
9 North and South American territories, as well as select European markets, and delivers premier,
10 cross-generational console and digital titles that span the genre spectrum.

11 17. Slitherine is a developer and publisher of strategy and war video games for PC and
12 consoles that serves the European and North American markets as well as the rest of the world.

13 18. On information and belief, from November 20, 2012 through at least mid-2013,
14 Defendants released various versions of a video game called *HISTORY® Legends of War: Patton*
15 (the "Infringing Video Game") for various systems and markets, including but not limited to
16 versions for PC, Xbox 360, PlayStation 3, and PlayStation Vita. Below is a screenshot from
17 Maximum's website, MaximumGames.com, showing the product packaging for several versions of
18 the Infringing Video Game¹:

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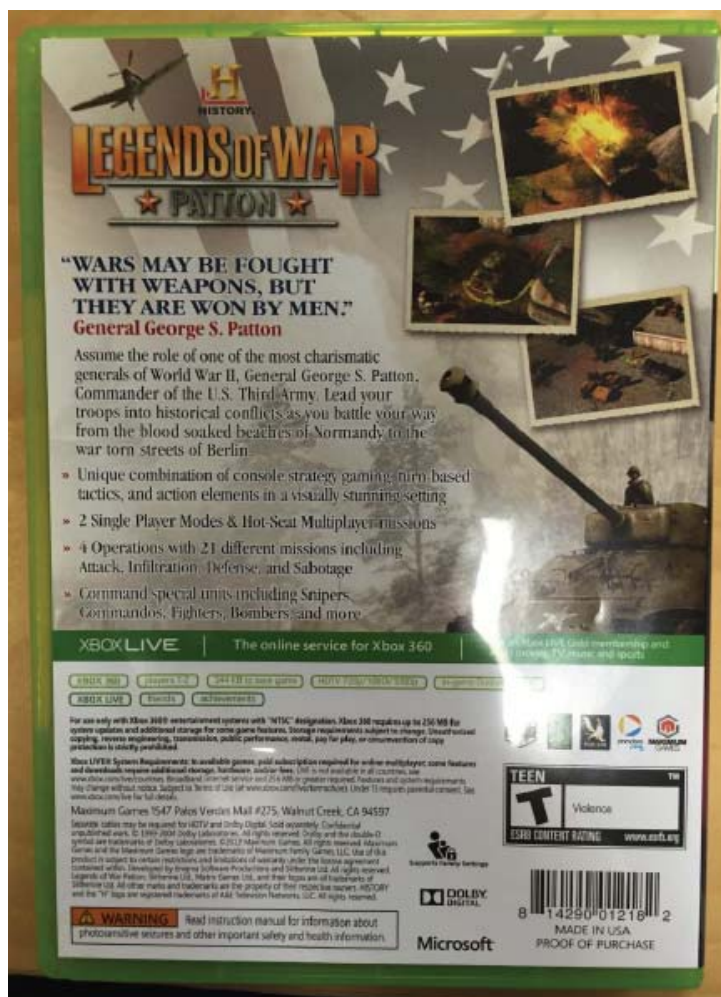
24 ///

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27 ¹ This screenshot was taken on November 18, 2014, from
28 <<http://www.maximumgames.com/legendsofwarpatton.com/#!/games-info/>>.



19. Below is a picture of the back cover of the Xbox 360 version of the Infringing Video Game:



20. The Infringing Video Game features General Patton's name, image and likeness in the following ways, among others:

- a. The game explicitly features "Patton" in its name;
- b. The game features General Patton's famous image, likeness, and persona, in the context for which he is most famous – namely, as a military general from World War II;
- c. The front cover of the game shows an image of a soldier standing between two tanks. General Patton led the U.S. army's first armored attack, and was an outspoken advocate for the use of tanks and armored vehicles in combat. Due to extensive media attention, including the well-known film "Patton," the consuming public understands that General Patton is associated with tanks and armored vehicles, and would associate the image of tanks on the front cover of the Infringing Video Game with General Patton.
- d. The back cover of the game features a quote by General Patton, and explains that the game player can "[a]ssume the role" of General Patton as he or she leads troops into "historical conflicts." The player's ability to assume General Patton's persona and participate virtually in historical events involving General Patton is evidently intended as a major draw of the game.
- e. The instructional pamphlet that accompanies the Infringing Video Game explains that the player gains "prestige" and "skill" points as the game progresses, which reinforces that General Patton's prestige and skill as a military commander and war hero, which are well-known by the consuming public at large as well as by the target audience for this game, are a chief selling point of the Infringing Video Game.

21. Defendants first released the Infringing Video Game on November 20, 2012. Below is a screenshot from Maximum's website showing that it released the game on November 20, 2012²:

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² This screenshot was taken on November 18, 2014, from <http://www.maximumgames.com/legendsofwarpattton.com/#!/shop/>.



22. Attached hereto as **Exhibit A** is a copy of the press release issued on November 1, 2012 in which Defendants announced that the launch date for the Infringing Video Game would be November 20, 2012. That press release also quotes Len Ciciretto, president of Maximum, as saying, “Patton is possibly the greatest known WWII hero in history.” The press release also states, “[a]t the start of each mission, the historical dates of Patton’s battles are displayed on-screen, putting players at the center of the action, and applying a uniquely fact-based framework which completely immerses the player.” Attached hereto as **Exhibit B** is a copy of a website reporting on November 10, 2012 that the Infringing Video Game would be arriving on November 20, 2012 on PC.

23. Subsequently, Defendants released additional versions of the Infringing Video Game for consoles. In November 2012, the website shown in **Exhibit B** reported that the developer had given a February 2013 release for the console versions of the Infringing Video Game. On January 22, 2013, the website shown in **Exhibit B** further reported that the Infringing Video Game would be released in Europe on March 8, 2013. The website shown in **Exhibit C** hereto further stated that Maximum released a version of the Infringing Video Game for PlayStation Vita on July 7, 2013. In addition, Slitherine’s website, Slitherine.com, shows that a version of the Infringing Video Game for PC was released on August 3, 2013. A copy of this webpage is attached hereto as **Exhibit D**.

24. In a press release posted on Slitherine's website in November 2012, Slitherine announced that it would be releasing a version of the Infringing Video Game for consoles beginning February 2013 and said about the game: "*HISTORY® Legends of War* is set in 1944 in the latter stage of World War II and puts gamers in the boots of the legendary US general George S. Patton, an iconic figure renowned for commanding the US Third Army against the Nazi forces in multiple campaigns through France, Belgium and Germany." A copy of this webpage is attached hereto as **Exhibit E**.

25. On information and belief, since the various versions of the Infringing Video Game were released beginning November 20, 2012 and continuing through at least mid-2013, they have been sold at major U.S. retailers including, but not limited to, Best Buy, Wal-Mart, Target, GameStop, and Newegg.com.

26. Defendants continue to promote, advertise, offer for sale and sell the Infringing Video Game on or through their websites, MaximumGames.com and Slitherine.com. Defendants have used and continue to use General Patton's name, image and likeness in connection with and for the purpose of promoting, advertising, offering for sale and selling the Infringing Video Game.

27. Defendants' use of General Patton's name, image and likeness in connection with advertising and selling the Infringing Video Game was never authorized by CMG, and was done without CMG's knowledge.

28. Defendants' use of General Patton's name, image and likeness in connection with advertising and selling the Infringing Video Game was and is intended to deceive consumers and to cause consumer confusion and mistake as to the affiliation, connection, or association of General Patton and/or his assignees with the Infringing Video Game, and as to the origin, sponsorship, or approval of the Infringing Video Game by General Patton and/or his assignees. Consumers would readily understand that Defendants' use of General Patton's name, image and likeness in connection with the Infringing Video Game is a reference to General Patton. Indeed, Defendants expect and intend consumers to understand this as part of their marketing efforts. Moreover, Defendants' use of the "HISTORY" name and logo in the name of the Infringing Video Game and on product packaging and advertising for the Infringing Game was and is intended to deceive consumers and to

1 cause consumer confusion and mistake as to the affiliation, connection, or association of General
2 Patton and/or his assignees with the Infringing Video Game, and as to the origin, sponsorship, or
3 approval of the Infringing Video Game by General Patton and/or his assignees. As a result of
4 Defendants' actions alleged herein, consumers are likely to be deceived, confused and mistaken, and
5 have in fact been deceived, confused and mistaken, as to whether CMG and/or the Patton Family are
6 affiliated, connected or associated with, or have sponsored or approved, the Infringing Video Game.

7 29. Despite CMG's efforts to resolve this matter consensually, Maximum continues to
8 unlawfully use General Patton's name, image and likeness in connection with advertising and selling
9 the Infringing Video Game.

10 30. Defendants' conduct has caused, and continues to cause, substantial, immeasurable,
11 and irreparable harm to CMG. In particular, Defendants' conduct has damaged the value to CMG of
12 General Patton's name, image and likeness; has interfered with CMG's ability to license General
13 Patton's name, image and likeness for use in other video games; and has damaged CMG's ability to
14 enforce its rights to General Patton's name, image and likeness against third parties.

15 **FIRST CAUSE OF ACTION**

16 **(False Endorsement and Unfair Competition under 15 U.S.C. § 1125(a))**

17 31. CMG realleges and incorporates by reference the foregoing paragraphs as though
18 fully set forth here.

19 32. Defendants have deliberately and willfully used and continue to use, in commerce,
20 General Patton's name, image and likeness in connection with the Infringing Video Game, a
21 commercial product, without CMG's consent.

22 33. Defendants' use of General Patton's name, image and likeness in connection with the
23 Infringing Video Game constitutes a false designation of origin, false or misleading description of
24 fact, and/or false or misleading representation of fact, which is likely to cause confusion, or to cause
25 mistake, or to deceive as to the affiliation, connection, or association of General Patton and/or his
26 assignees with the Infringing Video Game or with Defendants, or as to the origin, sponsorship, or
27 approval by General Patton and/or his assignees of Defendants' goods, services, or commercial
28 activities, including its advertising and sale of the Infringing Video Game.

34. As a direct and proximate result of Defendants' acts alleged herein, CMG has been damaged and suffered harm.

35. CMG's remedy at law is not adequate to compensate it for the injuries inflicted by Defendants. Accordingly, CMG is entitled to a permanent injunction pursuant to 15 U.S.C. § 1116.

36. On information and belief, Defendants' acts are willful and malicious, and intended to injure and cause harm to CMG.

37. By reason of Defendants' acts alleged herein, CMG is entitled to recover Defendants' profits, treble damages and the costs of the action under 15 U.S.C. § 1117.

38. This is an exceptional case making CMG eligible for an award of attorneys' fees under 15 U.S.C. § 1117.

SECOND CAUSE OF ACTION

(Violation of Right of Publicity under Cal. Civ. Code § 3344.1)

39. CMG realleges and incorporates by reference the foregoing paragraphs as though fully set forth here.

40. General Patton is a "deceased personality" within the meaning of Cal. Civ. Code § 3344.1 because his name, image and likeness had commercial value at the time of his death in 1945. At the time of his death, General Patton was domiciled in California.

41. Defendants knowingly and willfully used General Patton's name, image and likeness for purposes of advertising or selling, or soliciting purchases of, the Infringing Video Game.

42. CMG is, and at all relevant times has been, the registered agent in California for General Patton's rights of publicity.

43. Defendants did not obtain CMG's consent, written or otherwise, to use General Patton's name, image or likeness in any manner.

44. As a direct and proximate result of Defendants' acts, including acts in California, CMG has been damaged and suffered harm, including injury to the value of its exclusive rights to General Patton's name, image and likeness.

45. The above-described acts of Defendants violate CMG's right of publicity under Cal. Civ. Code § 3344.1, entitling CMG to relief.

46. By reason of Defendants' acts alleged herein, CMG is entitled to recover Defendants' profits and its actual damages under Cal. Civ. Code § 3344.1, and/or statutory damages. CMG is also entitled to punitive damages, injunctive relief, attorneys' fees and costs.

THIRD CAUSE OF ACTION

(Unfair Competition under Cal. Bus. & Prof. Code § 17200 *et seq.*)

47. CMG realleges and incorporates by reference the foregoing paragraphs as though fully set forth here.

48. Defendants have commercially exploited General Patton's name, image and likeness without CMG's consent. Defendants' conduct, as alleged above, constitutes unlawful or unfair business acts or practices under Cal. Bus. & Prof. Code § 17200 *et seq.* Defendants' conduct has caused, and, if not enjoined, will continue to cause substantial and irreparable damage to the rights of CMG in General Patton's name, image and likeness. CMG is entitled to relief under Cal. Bus. & Prof. Code § 17203, including enjoining Defendants from engaging in the conduct described above. As a consequence of Defendants' violations, CMG has suffered damages in an amount to be established at trial.

PRAYER FOR RELIEF

WHEREFORE, CMG asks for a judgment as follows:

1. Permanently enjoining and restraining Defendants and their agents, servants, employees and attorneys, and those persons in active concert or participation with Defendants during the pendency of this action, and thereafter perpetually, from:

a. using General Patton's name, image or likeness, or any word, symbol, phrase, term, photograph, or image confusingly similar thereto, alone or prominently displayed in promotional material, advertisements, web pages, signs, or in any other way in connection with the advertising, distribution, offering for sale or sale of products or services not authorized by CMG, including in connection with the Infringing Video Game;

b. infringing General Patton's name, image or likeness in any manner;

c. committing any acts of false designation of origin relating to the unauthorized use of General Patton's name, image or likeness; and

d. unfairly competing with CMG in any manner whatsoever or misappropriating General Patton or CMG's reputation and goodwill;

2. Awarding CMG all damages it has sustained as a consequence of Defendants' acts complained of herein for violation of right of publicity, unfair competition, infringement, willful infringement, false endorsement as well as treble damages, punitive damages, and statutory damages where permitted;

3. That Defendants be ordered to account to CMG for, and disgorge, all profits they have derived by reason of the unlawful acts complained of herein;

4. That Defendants be ordered to pay CMG's reasonable attorneys' fees, prejudgment interest, and costs of this action under 15 U.S.C. § 1117, Cal. Civ. Code § 3344.1, and/or Cal. Civ. Proc. Code § 1021.5;

5. That Defendants be directed to undertake corrective advertising to remedy the confusion, mistake and deception caused by their unauthorized use of General Patton's name, image and likeness;

6. That Defendants be directed under 15 U.S.C. § 1116 to file with the Court and serve upon CMG within thirty (30) days after the issuance of any injunction a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction; and

7. That CMG be awarded such other and further relief as the Court may deem just and the circumstances warrant.

Dated: December 12, 2014

Respectfully submitted,

WINSTON & STRAWN LLP

By: /s/ Erin R. Ranahan

Saul S. Rostamian

Erin R. Ranahan

Andrew S. Jick

Attorneys for Plaintiff
CMG WORLDWIDE INC.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, CMG demands a trial by jury of all issues that may be tried to a jury in this action.

Dated: December 12, 2014

Respectfully submitted,

WINSTON & STRAWN LLP

By: /s/ Erin R. Ranahan

Saul S. Rostamian

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EXHIBIT A

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Press Releases

Maximum Games Announces Launch Date for HISTORY® Legends of War: Patton

11/01/2012

[This unedited press release is made available courtesy of Gamasutra and its partnership with notable game PR-related resource [GamesPress](#).]

WALNUT CREEK, Calif. – (October 31, 2012)–Maximum Games (MG) and Slitherine Ltd. have announced the upcoming launch of *HISTORY® Legends of War: Patton*, an explosive new turn-based strategy game slated to hit shelves next month.

Scheduled to release November 20, 2012, *HISTORY® Legends of War: Patton* allows players to assume the role of General George S. Patton during his legendary WWII campaign. Beginning in August 1944, the game follows Patton's Third US Army starting in and moving from the west of France to the heart of Germany. Players will lead their troops into historical conflicts as they battle their way from the blood soaked beaches of Normandy to the war torn streets of Berlin.

"Patton is possibly the greatest known WWII hero in history," said Len Ciciretto, president of MG. "And this game is by far the best portrayal of war in the world of console turn-based strategy."

Developed by Slitherine and Enigma Software Productions, *HISTORY® Legends of War: Patton* offers a unique combination of console strategy gaming, turn-based tactics, and RPG elements as players cross the Western European Theatre in an epic campaign to end the war. The game features a single player Campaign as well as individual missions, and a local multiplayer Hot Seat mode. Players will be challenged across 21 different missions over 4 unique operations, and command special units including snipers, commandos, fighters, bombers, and more.

Mission types include Attack, Defense, Infiltration, and Sabotage. Additionally, throughout the campaign, players earn and apply prestige points to enhance their army and techniques. Prestige is awarded based on players' proficiency in completing missions.

"One of the most brilliant aspects of this game is the manner in which your army evolves," said Ciciretto. "Just as real combat soldiers learn and improve, the game demands and allows the same of its players."

At the start of each mission, the historical dates of Patton's battles are displayed on-screen, putting players at the center of the action, and applying a uniquely fact-based framework which completely immerses the player.

HISTORY® Legends of War: Patton is available next month on Xbox 360, PlayStation 3, and PC platforms, and is rated T by the ESRB. For more information, please visit www.maximumgames.com.

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About Maximum Games

Headquartered in the San Francisco Bay Area, Maximum Games publishes premier interactive video games for all leading platforms. For more information on Maximum Games, visit the company's website at www.maximumgames.com.

About the Slitherine Group

The Slitherine Group is the world's leading producer and publisher of digital wargames and strategy games. Under the Slitherine (www.slitherine.com) and Matrix Games (www.matrixgames.com) Brands it has published literally hundreds of games, with many award-winning titles in its portfolio and spanning all digital platforms, from home consoles to modern Smartphone's and Tablets. Slitherine is also involved with book publishing, board gaming and works with a wide array of key licensing partners, such as HISTORY®, MILITARY HISTORY®, Horrible Histories™, Showtime, BBC, Osprey, Scholastic, Buzz Aldrin Enterprises and many others to deliver the best blend of historical accuracy in an exciting and entertaining way. Together the Group companies form the world's largest organization specializing in this important and vibrant niche. The Slitherine Group's mission over the coming years is to lead the way in innovation and growth in an ever expanding segment of the entertainment industry.

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LEGENDS OF WAR: PATTON
 EU Release date: 8 Mar, 2013 US Release date: 5 Mar, 2013

[\(/games/legends-of-war-patton\)](#)

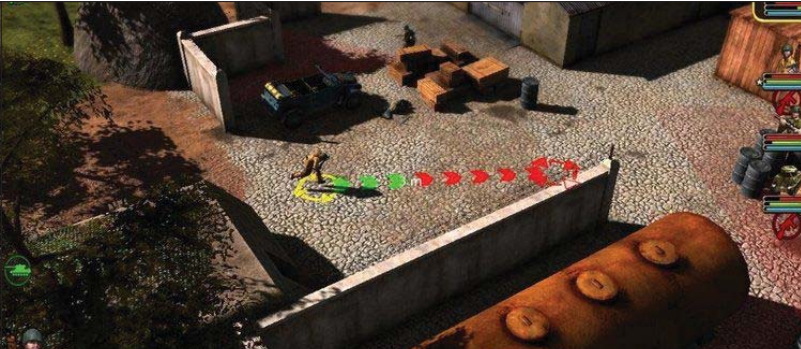




LEGENDS OF WAR: PATTON SUMMARY

LATEST NEWS

PQube announces Legends of War: Patton getting 8th March Euro release
[\(/news/2013-22-01-pqube-announces-legends-of-war-patton-getting-8th-march-euro-release\)](#)

22 January 2013 | 0 comments | By JonahFalcon




[\(/news/2013-22-01-pqube-announces-legends-of-war-patton-getting-8th-march-euro-release\)](#)
 Publisher PQube has announced that their turn-based history channel-licensed strategy game, *Legends Of War: Patton*, will be released on the 8th March in Europe for PC, Xbox 360 and PlayStation 3.

PlayStation Network content for this week includes Doom Classic Collection
[\(/news/2012-20-11-playstation-network-content-for-this-week-includes-doom-classic-collection\)](#)

20 November 2012 | 0 comments | By JonahFalcon

GAME INFO



Legends of War: Patton
[\(/games/legends-of-war-patton\)](#)

Genre: Strategy [\(/strategy\)](#)
Tags: World War II [\(/tag/world-war-ii\)](#), Turns [\(/tag/turns\)](#), Minor Economy [\(/tag/minor-economy\)](#), Realistic [\(/tag/realistic\)](#), Militaristic [\(/tag/militaristic\)](#)

Publisher: Maximum Family Games [\(/companies/maximum-family-games\)](#)
Developer: Slitherine Software [\(/companies/slitherine-software\)](#)

YOUR SCORE

Played Legends of War: Patton?
 Leave a rating and/or a review

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Your rating:n/a **ADD REVIEW**



Console versions of Legends of War: Patton get February 2013 release date (/news/2012-15-11-console-versions-of-legends-of-war-patton-get-february-2013-release-date)

15 November 2012 | 0 comments | By JonahFalcon

0



(/news/2012-15-11-console-versions-of-legends-of-war-patton-get-february-2013-release-date)
Slitherine announced their History Channel-backed turn-based strategy game *Legends of War: Patton* for PC, Xbox 360 and PlayStation 3. While a 20th November release date for the PC version was **revealed** (<http://www.strategyinformer.com/news/20731/legends-of-war-patton-arriving-on-the-20th-november>) at the time, the developer has now given a February 2013 release for the console versions.

Legends of War: Patton arriving on the 20th November on PC (/news/2012-10-11-legends-of-war-patton-arriving-on-the-20th-november-on-pc)

10 November 2012 | 0 comments | By JonahFalcon

0



(/news/2012-10-11-legends-of-war-patton-arriving-on-the-20th-november-on-pc)
Maximum Games has announced that *Legends of War: Patton*, a History Channel licensed turn-based strategy game developed by Slitherine, will be released on PC on the 20th November.

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(http://www.gamewatcher.com/games/legends-of-war-patton/latest_screens?page=2)

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EXHIBIT C

Welcome. History -- Legends of War: Patton - PlayStation Vita - IGN



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History -- Legends of War: Patton

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Release Date: **July 7, 2013**

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About This Game

- Summary
- Specifications
- Features
- Game Editions



In this epic turn-based strategy game you will follow the paths of General Patton during WWII, leading your troops to battle while traversing Western Europe's devastated land. Gain prestige points and use them to enhance your army, acquiring advanced weapons and gear. Play through four different types of missions: Attack, Defense, Infiltration, and Sabotage. From the French beaches to Belgium, you will have to prove your worth as a member of Patton's Third Army, and fight for victory!

Release Date: July 7, 2013

MSRP: 29.99 USD

T for Teen: Violence

Genre: [Strategy](#)

Publisher: [Maximum Family Games](#)

Developer: [Enigma](#)

- **Supported Functions**
- Number Of Players: 1-2

- Local - VS # of Players
- Use prestige points to improve and enhance your army
- 4 different types of missions: Attack, Defense, Infiltration, and Sabotage
- Multiplayer "Hot Seat" mode allows 2 players to take turns fighting each other
- Utilize historically accurate bombers, tanks, and weapons

- US



-

[History -- Legends of War: Patton](#)

Publisher: Maximum Family Games

Release Date: July 7, 2013

MSRP: 29.99 USD

- AU



-

[History -- Legends of War: Patton](#)

Publisher: Maximum Family Games

Release Date: TBA 2013

MSRP: 39.99 USD

- UK



-

[History -- Legends of War: Patton](#)

Publisher: Maximum Family Games

Release Date: TBA 2013

MSRP: 39.99 USD

0 Edits

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EXHIBIT D



HISTORY: Legends of War

Platforms: PC, PS3, X360
Genre: Turn-based strategy
Setting: World War II
Rel Date: 08/03/2013
Langs: English, Français, Italiano, Deutsch, Español



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SPECS

Platform: PC
Complexity: Intermediate
Players: 1-2
Min Spec: MINIMUM:
 OS: Windows XP / Vista / 7
 Processor: Intel Pentium IV at 2.0 Ghz or similar AMD Athlon
 Memory: 2 GB RAM
 Graphics card: Compatible DirectX 9.0c with shader 3.0 support (Nvidia 6200 / ATI X1300 or greater)
 DirectX: 9.0c
 Hard Drive: 4.5 GB free space
 Sound card: Compatible DirectX 9.0c
 Resolutions: 4:3 1024x768 up to 16:9 1280x720
Multiplayer: Yes

NEWS

[09 Apr 2014] **Legends of War goes on sale!**

HISTORY Legends of War, the visually impressive tactical turn-based strategy game based around the campaigns of Gener...

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HISTORY® Legends of War released on Xbox LIVE and PlayStation Network ! The console...

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PRODUCT INFO

Recommend 63 people recommend this. Be the first of your friends.



In one of the most intense turn-based strategy games to date, you will advance along the path of General Patton's Third Army at the height of the Second World War. Lead your troops through the exact paths that Patton traveled during World War II as you successfully complete different operations while traversing the Western European Theater. Command your army to victory in this devastated area of Europe where heavy battling commenced between America and Germany.

One of the most exciting and realistic war games ever created, HISTORY ® Legends of War puts you in the line of fire and demands you prove your worth as an American soldier. Turn-based strategy games are taking over the world of video gaming, and this one shows us why. With an arsenal of powerful weaponry, detailed maps, and in-depth, strategic moves, HISTORY ® Legends of War holds top rank in war games!

WE RECOMMEND USING A FREE **DOWNLOAD MANAGER** TO DOWNLOAD THIS TITLE. TWO GOOD CHOICES ARE [Download Accelerator Plus](#) AND [Internet Download Manager](#).

Features:

- Sequential story based around historical missions allowing the player to experience real events and to alter the course of history as General Patton
- Unique combination of strategy game mechanics: High-Level Strategic Management and Turn-based Tactics
- RPG elements allow the evolution of units and Patton as the campaign rolls forward
- Sensational graphics
- German and US forces
- 5 difficulty levels
- 4 Operations with 21 different missions including: Attack, Infiltration, Defence, Sabotage
- Over 30 different historical based unit types (Infantry, Armoured Vehicles and Aircraft) with authentic weaponry split between German and US forces
- Special Units, including Snipers, Commandos, fighters, bombers,...
- Video Cinematics



EXHIBIT E



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[HISTORY Legends of War Hitting Consoles in February 2013](#)

 by [ScottP](#) » Thu Nov 15, 2012 9:02 pm

HISTORY® Legends of War Hitting Consoles in February 2013

Command General Patton's troops to victory!

Slitherine, a world-leading publisher of strategy games, have once more teamed up with HISTORY® to bring the strategy genre to consoles. [HISTORY® Legends of War](#) follows General Patton's campaign from the D-Day landings to Berlin and is set to invade stores in February 2013.

VIDEO - Slitherine's game producer Aaron Yeung talks us through the game here: <http://www.youtube.com/watch?v=8Z8pOJxTUvY>

This is a turn-based strategy game at heart. A squad-based tactics experience integrating RPG elements with unprecedented depth in an amazing historical setting. Players command a limited number of units in a sequence of thrilling and engaging missions starting in the days following the Normandy landing and leading through to the conquest of Berlin.

As troops fight through four different campaigns against the Wehrmacht, they'll gain experience and skills which make them deadlier in combat. With the combination of turn-based tactics and strategic management through the RPG elements, players must use every bit of their tactical wit and genius against a challenging AI. With missions types such as attack, defence, infiltration, and sabotage, every mission will put players to the test.

HISTORY® Legends of War is set in 1944 in the latter stage of World War II and puts gamers in the boots of the legendary US general George S. Patton, an iconic figure renowned for commanding the US Third Army against the Nazi forces in multiple campaigns through France, Belgium and Germany. Players are directly responsible for the actions of their units, which include tanks, infantry and aircraft, with every decision having a direct effect on the final outcome of war.

Expert strategy games publisher Slitherine is once again bringing the genre to console. Following in the successful footsteps of [HISTORY® Great Battles Medieval](#) for home consoles and the critically-acclaimed [Battle Academy for iPad](#) release this year, Slitherine continues in its mission to bring an often disregarded genre to an ever increasing audience.

HISTORY® Legends of War is set to land on shore in stores across Europe in February 2013.

Public Relations Manager
 Slitherine/Matrix Games

[ScottP](#)

Senior Corporal - Ju 87G



Posts: 99

Joined: Wed Mar 21, 2012 2:24 pm

[Top](#)**Re: HISTORY Legends of War Hitting Consoles in February 2013** by [MrsWargamer](#) » Fri Nov 16, 2012 12:10 am

Very good news for the new year coming. I know most of my wargaming bretheren will be whining for a PC release, but I'd like at least 1 wargamer reason for turning on my PS3 😊

[MrsWargamer](#)

1st Lieutenant - Grenadier

**Posts:** 762**Joined:** Thu Apr 03, 2008 3:17 pm**Location:** Canada[Top](#)
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CERTIFICATE OF SERVICE

United States District Court for the Northern District of California
CMG Worldwide Inc. v. Maximum Family Games, LLC, et al.
Case No. 3:14-cv-05124-JST

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Winston & Strawn LLP, 333 S. Grand Avenue, Los Angeles, CA 90071-1543. On December 12, 2014, I served the following document:

**FIRST AMENDED COMPLAINT;
AND PROPOSED SUMMONS TO SLITHERINE LIMITED**



by placing a copy of the documents listed above in a sealed envelope with postage thereon fully prepaid in the United States mail at Los Angeles, CA addressed as set forth below. I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

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Jason M. Flom
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Attorneys for Defendant
MAXIMUM FAMILY GAMES, LLC d/b/a
MAXIMUM GAMES

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Signed: /s/ Patricia Waters
Patricia Waters

Dated: December 12, 2014